



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,283	01/11/2002	Rymond C. Crippen	P 283269	4563

909 7590 03/31/2003
PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

HAILEY, PATRICIA L

ART UNIT	PAPER NUMBER
----------	--------------

1755

DATE MAILED: 03/31/2003

4.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,283

Applicant(s)

CRIPPEN ET AL.

Examiner

Patricia L. Hailey

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1755

Specification

1. The disclosure is objected to because of the following informalities:

On page 6 of the Specification, at line 4, it appears that the word "L-methionie" is the word "L-methionine" misspelled.

Appropriate correction is required.

Claim Objections

2. Claim 9 is objected to because of the following informalities:

In line 2 of claim 9, it appears that the word "Olanzipine" is the word "olanzapine" misspelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8, 10, 12, 14-16, and 18-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent No. 04-096996 (Abstract provided).

The Japanese Patent teaches a mixture of a suitable ratio of calcium carbonate powder (considered to read upon the terms "limestone" and "activated limestone") and activated carbon powder. The mixture may also contain additives such as fungicides, biocides, herbicides and artificially synthesized vegetable hormones and nutrients.

In view of these teachings, the Japanese Patent anticipates claims 1-8, 10, 12, 14-16, and 18-27.

Art Unit: 1755

5. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being in public use or on sale in this country, more than a year prior to the date of application for patent in the United States by the "Chaser" printed publication.

"Chaser" teaches hangover pills comprising activated calcium carbonate and vegetable carbon. The pills also contain vitamin B2. The pills are to be administered in the amount of 2 caplets every two to three hours (or every four or five drinks). See the last two pages of the "Chaser" printed publication.

The claimed invention appears to be the same composition as disclosed in the "Chaser" printed publication, which is sold by Innovation Ventures L.L.C., doing business as "Living Essentials". The article with a publication date of 2001 teaches that "Chaser" has been taken for 5 years, therefore the product has been in public use or on sale since 1996.

6. Claims 1-8 and 10-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sport-Horse Supreme (printed publication).

Sport-Horse Supreme teaches a vitamin mineral supplement for sport horses. The supplement comprises, inter alia, vitamin B-12, thiamine (vitamin B-1), folic acid, calcium carbonate (considered to read upon "limestone" and "activated limestone"), and activated charcoal. See pages 1-3 of Sport-Horse Supreme.

In view of these teachings, Sport-Horse Supreme anticipates claims 1-8 and 10-27.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (703) 308-3317. The examiner can normally be reached on Mondays-Thursdays.

Art Unit: 1755

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (703) 308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.


Lynn Hailey/plh
Examiner, Art Unit 1755
March 24, 2003


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700